

MINUTES

UTAH PHYSICAL THERAPY LICENSING BOARD MEETING

May 31, 2006

**Room 475 (formerly 4B) – 4th Floor – 2:00 P.M.
Heber Wells Building**

CONVENED: 2:30 P.M.

ADJOURNED: 4:45 P.M.

Bureau Manager:
Board Secretary:

Noel Taxin
Karen McCall

Board Members Present:

Susan A. Doucette
Mark A. Anderson
Misha Bradford
Edmund L. Sperry

Board Members Absent:

Margo Jones Brady, Chairperson

Guests:

Craig Jackson, Division Director
Ed Dieringer, Chapter APA President
Kim Reed, APA

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Acting Chair

Mark A. Anderson volunteered to act as the Chairperson in the absence of Margo Jones Brady, Chairperson.

Read and approve the November 16, 2005 Minutes.

Ms. Bradford made a motion to approve the minutes as read. Ms. Doucette seconded the motion. **The Board vote was unanimous.**

DISCUSSION ITEMS:

Legislative Update

Ms. Taxin reported that there were no changes for the Physical Therapy profession in the 2006 Legislative session.

Ms. Taxin remarked that the Association is

considering making changes in the Law and Ed Dieringer e-mailed a model act for her, Karl Perry, AAG, the Board and the Association to review. Ms. Taxin stated that, in her experience, when Laws are update or revised they are edited or updated over the current Law, but, if substantial changes are being made, a request can be made to repeal the current Law and replace it with a new version. Ms. Taxin stated that the model act e-mailed to her was modeled from the FSBPT model act and not written off the current State of Utah Law.

Mr. Reed explained that the model act that was faxed is the FSBPT model law.

Ms. Taxin stated that she has reviewed the faxed model law and the current law and determined that there are some things in the current law that should be included in a new law. Ms. Taxin also stated that there are things in the model law that would not be required to retain as these areas are covered by the Utah State umbrella Act 58-1 and Rules R156-1. Ms Taxin recommended the Board, Mr. Dierringer and Mr. Reed review the documents together and make deletions and revisions as the document is read.

2:40 P.M., Mr. Sperry arrived at the meeting.

Upon completion of the review, Ms. Taxin provided Mr. Reed with the basic outline for the Association to rewrite the document for further review at the next scheduled Board meeting.

Ms. Taxin explained that the rules will be written by the Board after the Law has been enacted.

Definition of Continuing Education and
Physical Therapy Assistant

The Board determined this item was discussed during the review of the model law.

Law and Rule Examination

Ms. Taxin reported that the Division is taking away the Laws and Rules examinations from the testing agency due to several issues.

Ms. Taxin reported that the Division has created a statement to be included in all applications for the applicants to sign. Ms. Taxin reported that the statement reads:

Compliance with Utah Laws and Rules:

I understand that it is my continuing responsibility to read, understand and apply the requirements contained in all statutes and rules pertaining to the occupation or profession for which I am applying, and that failure to do so may result in civil, administrative, or criminal sanctions.

Ms. Taxin explained that the applicant must be sign and date that they have read the statement which holds them responsible for knowing the Laws and Rules.

Ms. Taxin stated that the Division and Board may want to write some questions for the application after the Law has been updated.

No action taken.

Manipulation vs. Mobilization

Ms. Taxin reported that she attended the Chiropractic Board meeting where she discovered that the Chiropractors are frustrated with the Physical Therapists as they believe the Physical Therapists are doing spinal adjustments.

Ms. Taxin stated that she informed the Chiropractor's Board that if they could report valid complaints to investigations, she and the Physical Therapy Board would support them in those complaints.

Ms. Taxin stated that the Association and the Board should be very clear in the new law regarding the scope of practice for a Physical Therapist.

Mr. Anderson remarked that the Chiropractors use the term manipulate and they make adjustments, where the Physical Therapist uses the term mobilization.

Ms. Taxin recommended there be a clear definition of mobilization, manipulation and adjustment.

4:30 P.M., Ms. Bradford left the meeting. There is still a quorum with Ms. Doucette, Mr. Anderson and Mr. Sperry.

Ms. Taxin recommended Mr. Reed meet with some members of the Chiropractic Associations for discussion regarding the new Physical Therapy law to be sure the Chiropractors will give their support and

Physical Therapists Adjusting

FYI

create a professional relationship.

This item was discussed during the model law review.

The Board reviewed the Revocation Order on Albert Van Dyke.

Mr. Anderson requested a few minutes to clarify his involvement with Mr. Van Dyke.

Mr. Anderson stated that Mr. Van Dyke was part of a joint venture of Mountain Land but was never an owner of Mountain Land. Mr. Anderson stated that Mr. Van Dyke informed the agency in May last year of the investigation and when he was questioned he stated that he had been doing a specific procedure. Mr. Anderson stated that Mr. Van Dyke was immediately put on administrative action of paid leave while waiting for DOPL to notify them of a conclusion to the investigation. Mr. Anderson stated that a conclusion was not given in a timely manner and the agency brought Mr. Van Dyke back with very strict guidelines. When the second complaint was brought to light, Mr. Anderson stated the complaint was regarding a different issue but Mr. Van Dyke was again put on administrative leave and then resigned.

Mr. Sperry commented that the agency should have strong policies and procedures in place with continual monitoring to be sure employees are working within an approved scope of practice.

Mr. Anderson responded that the agency does have strong policies and procedures in place and Mr. Van Dyke was practicing outside his scope.

Mr. Anderson requested that when there is a complaint that DOPL contact the employer and let them know of the complaint and get the help of the employer.

Ms. Taxin remarked that she will take the comments back to investigations for a response as there are confidentiality issues and investigative procedures.

Mr. Anderson stated that the agency is now in litigation. He then inquired for any advice on prevention for the future.

Ms. Taxin suggested the Management do random checks on staff members and go out on some therapy sessions to observe and question clients questions regarding their therapy and the techniques used. Ms. Taxin stated that clients are usually very open about what techniques have helped and have not helped.

Mr. Anderson thanked the Board for letting him speak.

CORRESPONDENCE:

FSBPT Correspondence

The following FSBPT Correspondence was presented to the Board:

1. Virginia Supreme Court Ruling regarding NPTE Fee Claims.
2. Credentialing and Registration of FSBPT Delegates & Administrators for the September 9-11, 2006 Conference.
3. Request for Sharing Ideas for Programs and Speakers.
4. NPTE Quarterly Faculty Newsletter
5. The Federation Forum, Fall 2005, Spring 2006
6. News Briefs December 2005, February 2006, April 2006, May 2006.
7. 2006 Budget.
8. ACSM Certified Personal Trainers.
9. NPTE Pass Rate Information Update.

Ms. Taxin notified the Board that there is information regarding the Fall FSBPT conference and asked if there were any Board members interested in attending as it is not too late for registration.

Mr. Anderson responded that he might be interested.

Ms. Taxin stated that she or Ms. McCall would contact him when the formal registration information is received.

Mr. Anderson volunteered to review all the

correspondence and report back to the Board on

APTA Correspondence

any issues of importance.

The following APTA Correspondence was presented to the Board:

1. Statehouse Strategies Newsletter Winter 2005, Spring 2006.
2. TOEFL Scores.
3. Information regarding APTA Credentialed Residency and/or Fellowship Program.

Mr. Anderson volunteered to review all the correspondence and report back to the Board on any issues of importance.

NEXT MEETING SCHEDULED FOR:

The Board requested a meeting prior to October 5, 2006 to conduct a final review of the new law. Upon reviewing schedules, it was decided to meet July 26, 2006 from 9:00 A.M. until approximately 1:00 P.M.

MEETING ADJOURNED AT:

4:45 P.M.

June 20, 2007
Date Approved

(ss) Mark A. Anderson, Acting Chairperson
Chairperson, Utah Physical Therapy Licensing Board

June 9, 2006
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational & Professional Licensing